



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

2-1

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE August 11, 2005		CONTACT/PHONE Mike Wulkan, project manager 781-5608		APPLICANT Mark and Sally DiMaggio		FILE NO. N/A	
SUBJECT Appeal by Mark and Sally Dimaggio of a Planning Director determination [pursuant to Coastal Zone Land Use Ordinance Section 23.08.046c(1)] that the keeping of three horses and the construction of associated structures within a Sensitive Resource Area--Environmentally Sensitive Habitat for the Cambria pine forest requires approval of a Minor Use Permit. The site is located within the Residential Suburban land use category and is located on the east side of the intersection of Burton Drive and Village Lane in the community of Cambria. The site is in the North Coast Planning Area.							
RECOMMENDED ACTION Deny the appeal based on the findings listed in Exhibit A.							
ENVIRONMENTAL DETERMINATION Not required							
LAND USE CATEGORY Residential Suburban		COMBINING DESIGNATION Local Coastal Program, Sensitive Resource Area--ESHA (Terrestrial Habitat), Geologic Study Area, Archaeologically Sensitive Area		ASSESSOR PARCEL NUMBER 013,151,041		SUPERVISOR DISTRICT(S) 2	
PLANNING AREA STANDARDS: Residential Suburban #1: Limitation on Use: all allowable uses per Coastal Table O are permitted, except for mobilehome developments							
LAND USE ORDINANCE STANDARDS: Sections 23.08.046c(1): Animal Raising and Keeping: permit requirements Section 23.01.041c(3): Rules of Interpretation: map boundaries and symbols Section 23.08.178a: Water Wells and Impoundments: permit requirement							
EXISTING USES: Vacant							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban, Commercial Service/vacant, hardware store and commercial service uses <i>East:</i> Residential Suburban/single family residence <i>South:</i> Residential Multi-Family/vacant <i>West:</i> Recreation/vacant/Cambria Pines Lodge							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Cambria Community Services District and the Regional Water Quality Control Board							
TOPOGRAPHY: Relatively level to steeply sloping				VEGETATION: Pine forest and meadow			
PROPOSED SERVICES: Water supply: On-site agricultural well Sewage Disposal: None Fire Protection: Cambria Fire							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

BACKGROUND:

On November 17, 2004, Planning staff sent the applicant a letter (attached to the appeal application) answering the question of whether the County would allow grazing of less than four horses on this approximately 3.5-acre parcel, as well as construction of several, small associated structures, and a water tank and water well for irrigation purposes only. Staff responded that the proposed grazing would be allowable, and that a Zoning Clearance would be required for the proposed sheds. With regard to the proposed water well, staff advised that drilling a well could be problematic within the boundaries of the Cambria Community Services District, that the applicant should contact the Services District and the County Environmental Health Department, and that a Plot Plan or Minor Use Permit would be required for the well, depending upon its location with respect to the pine forest.

When the applicant subsequently applied for a Zoning Clearance for the proposed structures, staff informed him that the project first needed to be reviewed by the Department's Management Team, because it involved development within an Environmentally Sensitive Habitat (ESHA). The Management Team determined this proposal requires approval of a Minor Use Permit, and staff subsequently sent a letter dated April 14, 2005 (attached to the appeal application) to the applicant informing him of the determination and describing the reasons a Minor Use Permit is needed.

On April 29, 2005, the applicant submitted an appeal of the Planning Director's determination that a Minor Use Permit is needed for the proposed project.

PROJECT DESCRIPTION:

According to the letter from the applicant dated April 25, 2005, the proposed project consists of the following use and development on an approximately 3.5-acre parcel (the letter and a schematic site plan are attached to the appeal application):

- Keeping of three horses on a relatively flat pasture of approximately 0.75 acres
- Two sheds for tack and feed that are less than 120 square feet each
- A partially covered, approximately 1,150 square-foot paddock
- A 5,000 gallon water tank
- A driveway (estimated by staff to be 70 feet long)
- A 30-foot diameter, fenced riding roundpen
- A fenced, approximately 0.5-acre grazing area
- A future agricultural well

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

This site is included in the Residential Suburban land use category and within a mapped Sensitive Resource Area (SRA) combining designation that is an Environmentally Sensitive Habitat -Terrestrial Habitat (ESHA-TH) for the Cambria pine forest. Within an SRA, Coastal Zone Land Use Ordinance Section 23.08.046c(1) [see attached Exhibit B] requires that all new animal raising and keeping *activities or facilities* (e.g., keeping of horses and associated sheds and structures) require Minor Use Permit approval (except in the case of production of agricultural products).

Staff initially determined the boundary of the ESHA-TH could be interpreted so as to follow the tree line, using the rules of interpretation for map boundaries and symbols in Section 23.01.041c(3) [see attached Exhibit C]. Under that interpretation, the clearing on this site where the proposed animal keeping and structures are proposed would not be within an SRA, and a Minor Use Permit would therefore not be required under Section 23.08.046c(1). However, the Department's Management Team subsequently reconsidered that question, and determined the ESHA-TH designation on this property cannot be administratively adjusted or interpreted so as to exclude the clearing in the forest, thus necessitating a Minor Use Permit for the proposed use and development. The reasons for that determination are:

- The ESHA-TH designation (see attached land use category map and aerial photo) encompasses a large area to the south, east and west of the site, so that the clearing on this site does not represent a clear edge of the forest.
- Section 23.08.046c(1) is intended, for example, to allow for an interpretation of the location of a mapped boundary of a forest edge to correspond to the actual location of the edge of the trees on the ground. For example, if the line of trees that reflect the clear edge of the forest is actually 50 feet to the north of the mapped ESHA-TH location, then staff could interpret the ESHA-TH to be 50 feet to the north. However, this section is not intended to allow individual clearings in a larger forest to be administratively excluded from the ESHA-TH.
- The clearing or meadow area may still have value as part of the forest ecosystem
- The appropriate way to determine the boundary of the ESHA-TH in this case is through a Minor Use Permit application. During the Minor Use Permit process, the precise location of and recommended setbacks from the ESHA-TH would be determined based on the recommendations of a qualified biologist.

The proposal to drill an agricultural water well in the future is considered "appealable development" per Section 23.01.043c(3)(i), because it would be located within a mapped ESHA. The proposed well is therefore subject to Minor Use Permit approval as required by Section 23.08.178a. Drilling a water well within the boundaries of the Cambria Community Services District (CCSD) may be problematic, but may be possible in the case of non-potable use of water. If the applicant wishes to pursue drilling of the water well, staff recommends that it be included in a single Minor Use Permit application, together with the horse keeping, sheds and other proposed, associated development. Otherwise, if a well were proposed at some future date, another Minor Use Permit would be required at that time.

Staff report prepared by Mike Wulkan and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

- A. The requested keeping of three horses and construction of sheds and associated improvements in a mapped Sensitive Resource Area--Environmentally Sensitive Habitat--Terrestrial Habitat designation (ESHA-TH) for the Cambria pine forest requires approval of a Minor Use Permit application, because 1) the ESHA-TH designation encompasses a large area to the south, east and west of the site, so that the clearing on this site does not represent a clear edge of the forest, 2) Coastal Zone Land Use Ordinance Section 23.08.046c(1) is not intended to allow individual clearings in a larger forest to be administratively excluded from the ESHA-TH, 3) the appropriate way to determine the boundary of the ESHA-TH is through the Minor Use Permit application process, during which the precise location of and recommended setbacks from the ESHA-TH would be determined based on the recommendations of a biology report.
- B. The proposed future drilling of an agricultural water well in a mapped Sensitive Resource Area--Environmentally Sensitive Habitat--Terrestrial Habitat designation (ESSHA-TH) for the Cambria pine forest requires approval of a Minor Use Permit application, because 1), the well is considered "appealable development" per Coastal Zone Land Use Ordinance Section 23.01.043c(3)(i), and 2) Coastal Zone Land Use Ordinance Section 23.08.178a requires Minor Use Permit approval (unless a Development Plan is otherwise required) for water wells that are appealable to the Coastal Commission per Section 23.01.043.
- C. This request for an interpretation of the Coastal Zone Land Use Ordinance is not a "project" under the California Environmental Quality Act, and therefore does not require an environmental determination.

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EXHIBIT B – COASTAL ZONE LAND USE SECTION 23.08.46 EXCERPT

23.08.046 - Animal Raising and Keeping (S-3): The raising or keeping of animals as either an incidental or principal use shall comply with the requirements of this section, except for pet stores (which are included under the Land Use Element definition of General Merchandise Stores and are instead subject to the provisions of Chapters 23.03 (Permit Requirements) and 23.04 (Site Design Standards) of this title). Certain specialized structures and facilities for animals (including animal hospitals, kennels, feed lots, fowl, poultry, hog or horse ranches) may also be subject to the requirements of Sections 23.08.041 (Agricultural Accessory Structures) or 23.08.052 (Specialized Animal Facilities), as applicable.

- a. **Purpose.** It is the purpose of these regulations to limit under specified circumstances the number of animals allowed and the methods by which domestic, farm and exotic animals are kept on private property. It is the intent of this section to minimize potential adverse effects on adjoining property, the neighborhood and persons in the vicinity from the improper management of such animals. Such adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.
- b. **Limitation on use.** Animal raising or keeping is not allowed in the Residential Multi-Family, Office and Professional and Commercial land use categories except for:
 - (1) The keeping of household pets in conjunction with an approved residential use; and
 - (2) Specialized Animal Facilities allowed pursuant to Section 23.08.052; and
 - (3) Interim Agricultural Uses pursuant to Section 23.08.050.
- c. **Permits and applications.**
 - (1) **Permit requirements.** None, except as otherwise set forth in subsection f. of this section for specific types of animals, or as required by other provisions of this code for structures used to enclose or house animals; however, a Minor Use Permit shall be required for development within Sensitive Resource Areas for all new animal raising and keeping activities or facilities, except where such activities or facilities are associated with the production of agricultural products (as defined by Section 23.11.030 of this title). All animal raising activities in the unincorporated areas of San Luis Obispo County are subject to the requirements of this section regardless of whether a permit is required.

EXHIBIT C – COASTAL ZONE LAND USE SECTION 23.01.041 EXCERPTS

23.01.041 - Rules of Interpretation:

Any questions about the interpretation or applicability of any provision of this title, are to be resolved as provided by this section.

a. Effect of provisions:

- (1) **Minimum requirements:** The regulations and standards set forth in this title are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this title.
- (2) **Effect upon private agreements:** It is not intended that these regulations are to interfere with or annul any easements, covenants or other agreement between parties. When these regulations impose a greater restriction upon the use of land, or upon the height of structures, or require larger open spaces than are imposed or required by other ordinances, rules, regulations or by covenants, easements or agreements, these regulations shall control.

c. Map boundaries and symbols: If questions arise about the location of any land use category or combining designation boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures are to be used to resolve such questions in the event that planning area standards (Part II of the Land Use Element), do not define precise boundary or symbol location:

- (1) Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.
- (2) Where a land use category applied to a parcel of land is not shown to include an adjacent street or alley, the category shall be considered to extend to the centerline of the right-of-way.
- (3) Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the Planning Department, based upon the character and exact location of the particular feature used as a boundary.
- (4) In cases of large ownerships containing separate land use categories unrelated to lot lines or terrain features, the precise location of boundaries is to be determined through Development Plan review and approval (Section 23.02.034), before any development.
- (5) In other cases where boundaries are not related to property lines or contours, planning area standards of the Land Use Element define the precise boundary location or the necessary procedure for determining its location.
- (6) Symbols used to delineate a combining designation may not be property specific. In the case of Historic, and Energy and Extractive area symbols, the text of the applicable Land Use Element area plan will identify the extent of the area covered by the symbol application.

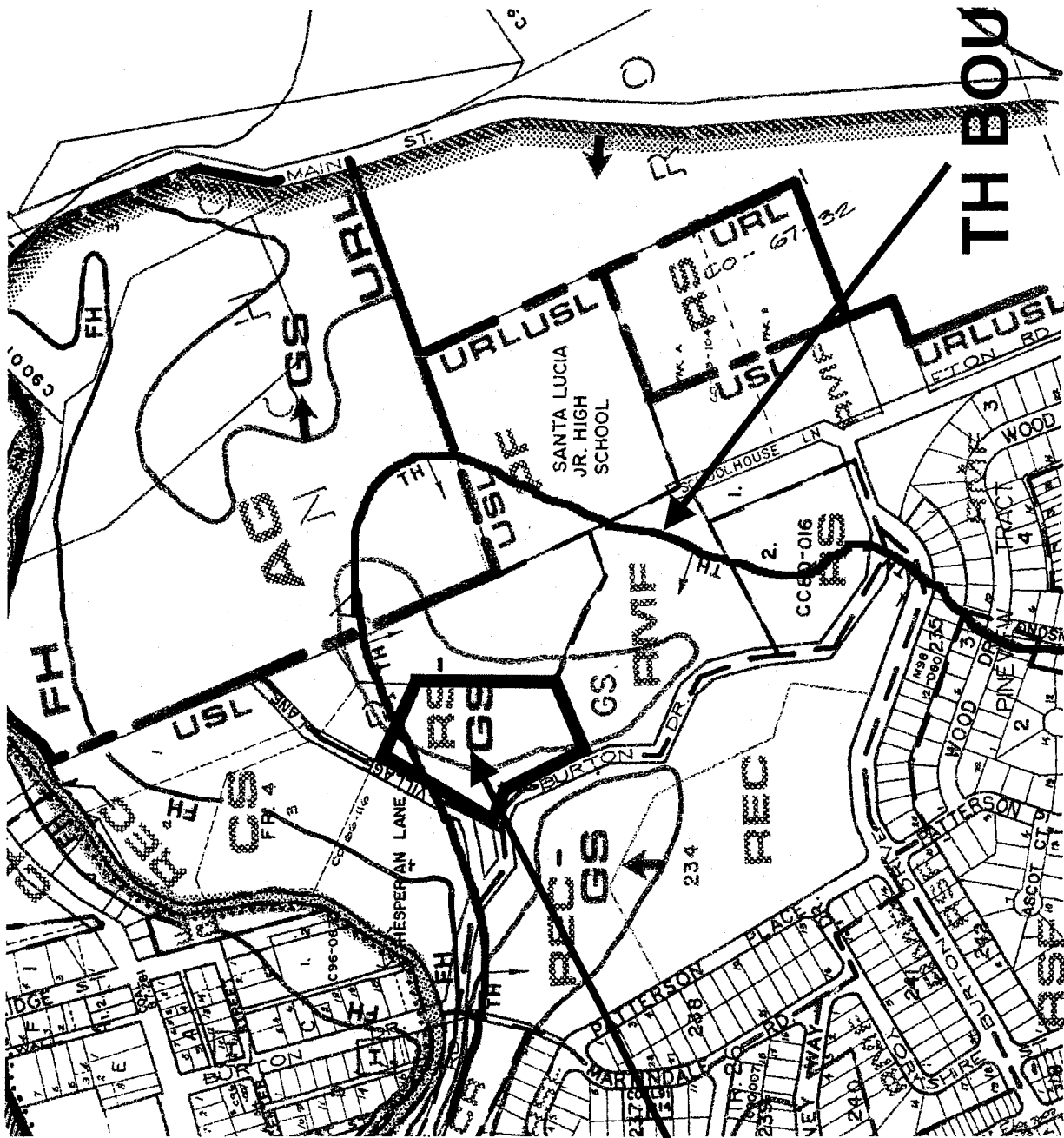
2-7

- (7) Symbols indicating proposed public facilities are not property specific. They show only the general area within which a specific facility should be established. The actual distance around a symbol where a facility may be located is defined by Chapter 8, Part I of the Land Use Element.

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ETHS

THE BOUNDARY



EXHIBIT

Land Use Category



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THE BOUNDARY



SITE

EXHIBIT

Aerial



PROJECT

Planning Determinations
DiMaggio Appeal

Coastal Zone Appeal Application

San Luis Obispo County Department of Planning and Building

NOTE: To appeal a Board of Supervisors decision you will need to obtain appeal forms from the California Coastal Commission - 725 Front Street, Suite 300 - Santa Cruz, CA (408) 427-4863.

PROJECT INFORMATION

Type of permit being appealed:

☐ Plot Plan ☒ Minor Use Permit ☐ Development Plan ☐ Variance ☐ Land Division

☐ Lot Line Adjustment ☒ Other Planning Director's Decision File Number: _____

The decision was made by:

☒ Planning Director ☐ Building Official ☐ Administrative Hearing Officer ☐ Subdivision Review Board

☐ Planning Commission ☐ Other _____ Date the application was acted on 4-14-05

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access ☒ Planning Commission ☐ Board of Supervisors

BASIS FOR APPEAL

Please note: An appeal must be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

☐ INCOMPATIBLE WITH THE LCP. The development does not conform to the standards set forth in the certified Local Coastal Program of the county for the following reasons (attach additional sheets if necessary)

Explain: _____

☐ INCOMPATIBLE WITH PUBLIC ACCESS POLICIES: The development does not conform to the public access policy of the California Coastal Act - Section 30210 et seq. Of the Public Resource Code (attach additional sheets if necessary),

Explain: _____

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (attach additional sheets if necessary)
<u>Appeal of Director's Interpretation</u>	<u>CZLUO SECTION 23.01.042</u>
	<u>Documentation Attached (13 pages)</u>

APPELLANT INFORMATION

Print name: Mark and Selly DiMaggio

Address: 3212 Bradford Circle, CAMBRIA, CA 93428 Phone Number (daytime): 927-5026

I/We are the applicant or an aggrieved person pursuant to the Coastal Zone Land Use Ordinance (CZLUO) and are appealing the project based on either one or both of the following grounds, as specified in the CZLUO and State Public Resource Code Section 30603 and have completed this form accurately and declare all statements made here are true.

Mark R DiMaggio
Signature

4-25-05
Date

OFFICE USE ONLY

Date Received: 4/28/05
Amount Paid: \$578.00

By: CHRIS MACEK
Receipt No. (if applicable): _____

2005 APR 29 AM 1:48
Revised 5/05/04/LF
SLO COUNTY DEPT OF PLANNING & BUILDING

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600 • (805) 800-834-4636

EMAIL: ipcoplng@slonnet.org

FAX: (805) 781-1242

WEBSITE: <http://www.slocoplanbldg.com>

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April 25, 2005

Dear Planning Commissioners,

We are filing this appeal in response to a decision made by the County Planning Staff which directly supersedes an earlier SLO County letter indicating approval for the exact same proposed use.

We hope that the following background information and chronology of events will help explain the events and the sources of the frustration that led to our filing of this appeal.

We are a family of 5. We live on a teacher's salary and a half-time school librarian's salary. We have a daughter at Cal Poly, a son in 11th grade, and a daughter in 1st grade. We live in an ecologically friendly strawbale/solar house of our own design and construction.

Beginning around 2001, we began searching in earnest for a parcel near our home in Cambria on which we could keep our three horses (actually, two ponies and one horse - see the attached description). We have been keeping the horses in the Paso Robles area for the last five years, and the drive and expense - not to mention the travel time involved - made us decide to attempt to buy our own property near to our home. In 1999, we came very close to purchasing a parcel directly across the street from the new Grammar School in Cambria, but were unsuccessful. Since then, we have been actively looking for a new home for our horses.

Finally, in September of 2004, a 3.85 acre parcel (APN 013,151,041 zoned Residential Suburban) directly across the street from Cambria Hardware (on Village Lane) became available. The parcel is mostly steep and with slopes wooded with Monterey pine and coast live oak, but has a nice flat grass pasture area of about 3/4 of an acre; not huge, but adequate for our needs of keeping just three horses.

We made an offer, it was accepted, and we began the process of "conducting investigations." We had negotiated a 60 day period (from roughly November 1 to January 1) within the escrow time to determine if the property would truly meet our needs, and to insure that we would be allowed by the County to proceed with our very simple, environmentally friendly, project.

Essentially, our plans as shown on the enclosed site plan were to:

- Fence off a small 30 foot diameter riding ring.
- Fence off another roughly 1/2 acre grazing area.
- Build two small (<120 sq. feet) sheds for tack and feed.
- Build a 24 X 48 foot paddock with a rain cover over about 1/3 of it.
- Add a 5,000 gallon water tank for storage, serviced by a solar panel with pump. (If possible, we would like to add an ag well at a later date.)
- Build a very short driveway to bring hay to the near shed.

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With this plan in mind, we met with CCSD staff and with the County Health Department in regards to the ag well (please see enclosed letters), and then arranged a meeting with Senior County Planner John Hofschroer. Mr. Hofschroer was courteous, honest, forthright, and professional in answering our questions regarding the property and what the County would and would not allow. In essence, he indicated that, with the possible exception of the agricultural well, which was not a determination his office could make, he saw no problem with the plan we described, and that to utilize the property in this manner was consistent with both the zoning and local area plan. He was pleased to see that we had no desire or intention to infringe on the sensitive Monterey pine habitat, and that a low impact use of the property such as this was welcome.

Mr. Hofschroer provided us with a letter from the County, signed by him, which summarized the conclusions that he had stated at our meeting. This letter is included for your review. Please also refer to the enclosed statement of the closing of escrow, provided to demonstrate that at the time we met with Mr. Hofschroer, we had not closed escrow on the parcel, but were waiting for County determination as to what would be allowed on the property.

Based on this determination, we proceeded with the purchase of the property.

We were then told by Mr. Hofschroer that to proceed, we needed to obtain a Zoning Clearance - a simple matter that could be completed over the counter for a small fee. We were very excited and anxious to begin the process of moving our horses to our new property.

In mid-March we met with Ryan Hofstetter expecting to obtain our Zoning Clearance. As you can well imagine, we were shocked when we were told that the matter would have to go before a management committee of the Planning Department to determine if we could proceed without a minor use permit, and that the earlier County determination might not be honored.

We did our best to be courteous and patient, but were frankly very disturbed when we were told by Mike Wulken on March 30 that we would be required to obtain a \$4,000 minor use permit, a \$3,000 biological report, and possible additional studies as well. This new determination, we were told, superseded the previous County determination on which we had entirely based our decision to purchase the property.

Had we been told that we would have to obtain these permits at the outset, we would not have proceeded with the purchase. We feel that the latest determination made by the Planning Director's office is wrong, and that the County should honor the original determination made back in November, 2004. For County staff to tell us that we can proceed, and then to have other staff change the determination is unfair and unjust.

We simply cannot understand the basis for this completely changed determination. Mr. Hofschroer clearly stated in our meeting, and as he confirms in his letter, that the Sensitive Resource Area - Terrestrial Habitat follows the tree line and does not include

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the entire site but only includes the steeper wooded slopes in the rear of the property. As shown on our enclosed site plan, we are not proposing any development for those portions of the property. However, contrary to this determination, the County now states that our entire parcel is contained within the SRA -TH despite its explicit acknowledgement that only a small portion of the property is wooded and therefore qualifies as terrestrial habitat.

Based on the County's prior representations, our independent research, and my experience as a member of the North Coast Advisory Council, we do not believe that this most recent determination is the proper interpretation of the extent of the SRA -TH on our property. We believe that the original interpretation of the extent of the SRA - TH by Mr. Hofschroer is correct and ask that the Planning Commission confirm his interpretation as the correct application of this policy to our property.

We therefore respectfully request that the Planning Commission grant this appeal, honor the original letter signed by Mr. Hofschroer, and that we be allowed to obtain the Zoning Clearance described therein.

Thank you very much for your time and consideration of this matter that is so important to us.

Sincerely,



Mark DiMaggio



Sally DiMaggio

3212 Bradford Circle
Cambria, CA
93428
927-5026



2-14

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 17, 2004

Mark & Sally DiMaggio
3212 Bradford Circle
Cambria, Calif. 93428

Re: Information Request: Allowable uses for APN 013,151,041, Village Lane, Cambria

Dear Mr. DiMaggio,

In our conversation, you have asked if the County will allow the grazing of less than 4 horses, several small structures for hay and tack, fencing, and a water well and tank for irrigation purposes only on the above parcel.

The subject 3.6 acre site is designated Residential Suburban, and is located within the Urban Reserve Line of Cambria. While nearly the entire site is mapped as TH on the official maps, we have determined that the TH follows the tree line. Therefore, the steeper slopes in the rear of the property are designated Terrestrial Habitat (pine trees), and Geologic Study Area.

In response, we offer the following comments:

1. Horse grazing at this scale is defined as "Animal Raising and Keeping" which is allowed as a special use (S-3) in the Residential Suburban category. The (S-3) establishes conditions of use. We feel the horses are an allowed use, and if fenced from encroaching on the steep slopes, no permit is required.
2. The three proposed small sheds are defined as "Agricultural Accessory Structures", that may be approved with a County permit referred to as a Zoning Clearance. Setbacks are 50 feet from Village Lane, and 30 feet for the side yards.
3. Fencing less than 6 feet high is allowed without a permit. However, if the fencing is used to keep the horses on the property, they shall be set back at least 25 feet from Village Lane, and 10 feet from the side property lines.
4. The drilling of a water well may be problematic since the property is within the Cambria Community Service District (CCSD). As we discussed, there may be exceptions for non-potable uses such as irrigation and for the horses. Please contact the CCSD and the County

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Environmental Health Department for more information. The County will require a Plot Plan application to permit the well as long as it is located at least 100 feet from the TH (pines on the hillside) or Minor Use Permit if it is closer. We will also require approval by the other departments and agency mentioned.

We have previously provided some of the relevant land regulations for your information. If there are additional questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hofschroer", with a stylized, flowing script.

John Hofschroer, Senior Planner
Coastal Zone Management Division



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

April 14, 2005

Mark and Sally DiMaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mr. And Mrs DiMaggio:

SUBJECT: PLANNING DIRECTOR DETERMINATION: ASSESSOR PARCEL
013,151,041; VILLAGE LANE, CAMBRIA

This determination is in reply to your request to keep three horses, and to construct three small sheds, fencing, and a future well on the above property. This determination supersedes our November 17, 2004 letter on this matter.

This approximately 3.5-acre property is located within the Cambria urban area. It is included in the Residential Suburban land use category (zone) and within a mapped Sensitive Resource Area (SRA) combining designation that is an Environmentally Sensitive Habitat -Terrestrial Habitat for the Cambria pine forest. Within an SRA, Coastal Zone Land Use Ordinance Section 23.08.046c(1) requires that all new animal raising and keeping activities or facilities (e.g., keeping of horses and associated sheds) require Minor Use Permit approval (except in the case of production of agricultural products).

The Planning and Building Department, after review by the Department's Management Team, has determined that the SRA designation on this property cannot be administratively adjusted or interpreted so as to exclude the clearing in the forest where you wish to have the animal keeping and sheds. Therefore, as required by the Coastal Zone Land Use ordinance, the proposal for keeping of horses and construction of sheds on this property is subject to Minor Use Permit approval. During the Minor Use Permit process, the precise location of and recommended setbacks from the Environmentally Sensitive Habitat could be determined, based on a biological report.

The proposed well, since it is located within a mapped Environmentally Sensitive Habitat, is considered "appealable development," and is therefore also subject to Minor Use Permit approval. As we mentioned in our previous correspondence, drilling a water well within the boundaries of the Cambria Community Services District (CCSD) may be problematic, but there may be exceptions for non-potable uses of water. We recommend that you contact the CCSD and the County Health Department-Environmental Health Division for more

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Mark and Sally DiMaggio
April 14, 2005
Page 2

information. If you wish to pursue drilling of the water well, we recommend that you include that proposal together with the proposed horse keeping, sheds and associated structures in a single Minor Use Permit. Otherwise, if you decide to seek approval for the well at a future date, another Minor use Permit would be required at that time.

This determination may be appealed to the Planning Commission within 14 days of the date of this letter. The appeal must be received by the Planning and Building Department before the close of business on April 28, 2005, and must be accompanied by the required appeal fee, estimated to be \$564.00. An appeal form is enclosed for your convenience.

Sincerely,

A handwritten signature in black ink that reads "Mike Wulkan". The signature is written in a cursive, flowing style.

MIKE WULKAN
Coastal Planning and Permitting



Fidelity National Title Company

782 Arlington Street • Cambria, CA 93428
(805) 927-6585 • FAX (805) 927-6590

2-18

DATE: January 26, 2005
ESCROW NO: 170591-RL
ESCROW OFFICER: Renee Leyba

TIME: 08:42:30

CLOSING DATE: January 26, 2005

BUYER FINAL CLOSING STATEMENT

SELLER(S): Richard R. Aitken and Phyllis C. Aitken and Richard E. Kauffman, Trustee of the Richard E. Kauffman Revocable Trust dated August 3, 1993 and Richard E. Kauffman and Kent W. Hellman and Beverly L. Hellman, Trustees of the Kent Hellman Family Revocable Trust dated December 1, 1995 and Carole A. Clarke, Successor Trustee of the Clarke Living Trust dated September 22, 2000
BUYER(S): Mark P. DiMaggio and Sally L.S. DiMaggio, Trustees of the Mark P. DiMaggio and Sally L.S. DiMaggio Living Trust
PROPERTY: Village Lane, Cambria, CA 93428

	\$ DEBITS	\$ CREDITS
FINANCIAL:		
Total Consideration	110,000.00	
Deposit - Mark P. Dimaggio		3,000.00
Deposit - Mark P. DiMaggio and Sally L.S. DiMaggio, T		107,195.26
PRORATIONS/ADJUSTMENTS:		
Unpaid County Taxes at \$1,881.63 Semi-Annual from 01/01/05 to 01/26/05		209.07
TITLE CHARGES:		
Recording Deed	25.00	
ESCROW CHARGES		
Escrow Fee	250.00	
Courier Fees	7.50	
BUYERS REFUND	\$ 121.83	
TOTALS	\$ 110,404.33	\$ 110,404.33

SAVE THIS STATEMENT FOR INCOME TAX PURPOSES



California Regional Water Quality Control Board

Central Coast Region



Terry Tamminen
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger
Governor

October 28, 2004

2-19

Mrs. Sally Dimaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mrs. Dimaggio:

UST: 2194 MAIN STREET, CAMBRIA, SAN LUIS OBISPO; PROPOSED INSTALLATION OF AGRICULTURAL WELL ALONG VILLAGE LANE, CAMBRIA

This letter confirms your October 26, 2004, telephone conversation with John Mijares of my staff. You wanted to know if your proposed agricultural well along Village Lane (APN 013-151041) in Cambria could possibly impact or be impacted by the methyl tertiary-butyl ether (MTBE) plume emanating from the Chevron Station at 2194 Main Street, Cambria. The proposed well would have a production rate of about five gallons per minute to provide water to horses that would be stabled at the property. Based on the location and production rate of the well, we do not anticipate that it would impact the MTBE plume at the Chevron station. Therefore, we have no objection to the proposed installation of the agricultural well provided the installation complies with local and state standards and requirements.

If you have questions, please call John Mijares at 805-549-3696.

Sincerely,

for Roger W. Briggs
Executive Officer

ajm/ust/regulated sites/san luis obispo co/cambria/2194 main/dimaggio proposed ag well response ltr 270ct04

cc:

Mr. Vern Hamilton
Cambria Community Services District
PO. Box 65
Cambria, CA 93428

Mr. Curtis Batson
San Luis Obispo Co. Health Dept.
P. O. Box 1489
San Luis Obispo, CA 93406

California Environmental Protection Agency

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

JOAN COBIN, President
GREGORY SANDERS, Vice President
PETER CHALDECOTT
ILAN FUNKE-BILU
DONALD VILLENEUVE



OFFICERS:

TAMMY RUDOCK General Manager
ARTHER R. MONTANDON, District Counsel
KATHY CHOATE, District Clerk

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

November 19, 2004

Mark and Sally DiMaggio
3212 Bradford Circle
Cambria, CA 93428

Dear Mark and Sally,

**RE: APN 013-151-041, CAMBRIA, SAN LUIS OBISPO COUNTY; PROPOSED
INSTALLATION OF AGRICULTURAL WELL ALONG VILLAGE LANE, CAMBRIA**

This letter confirms your October 18, 2004 meeting with Cambria Community Services District (CCSD) General Manager Tammy Rudock, and District staff regarding your request to drill an agricultural well along Village Lane property; APN: 013-151-041.

The property is located within the Cambria Community Services District boundaries and watershed and currently has no water service. A grandfathered meter is assigned to the property. The CCSD has no jurisdiction or authority to consider or approve drilling an agricultural well within our boundaries. That duty and responsibility is with the San Luis Obispo County Public Health, Environmental Health Services.

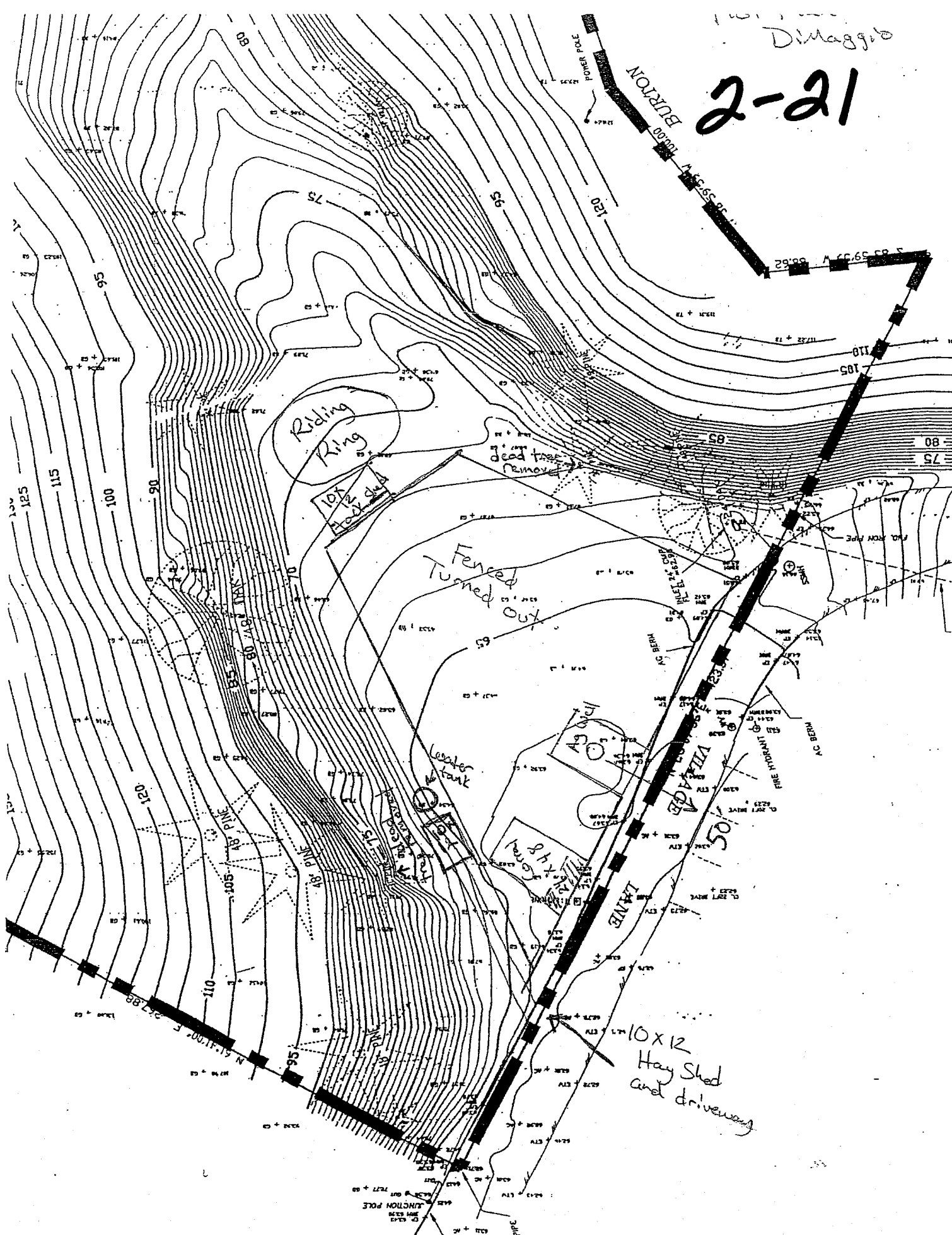
CCSD staff recommended that you contact the Regional Water Quality Control Board for a response to your questions regarding any impact to Cambria by the methyl tertiary-butyl ether (MTBE) plume emanating from the Chevron Station at 2194 Main Street, Cambria.

It was further recommended that you contact the San Luis Obispo County Public Health, Environmental Health Services for their assistance in informing you of the application process for agricultural well installations to meet local and state standards and requirements.

Sincerely,

Tammy A. Rudock
General Manager

2-21



Prospective Tenants 2-22

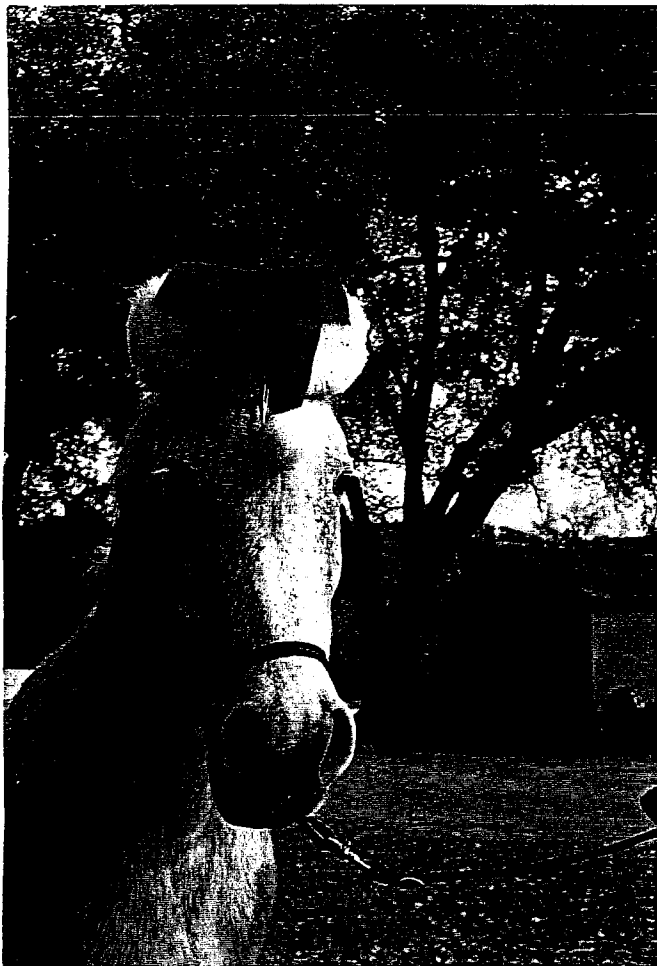


← "Dukka" translates to "Little Doll" A 7 year old Icelandic Mare. Very Sweet natured pony. Loves children and small animals.



↑ "Jet"

Dukka's baby. Tends to be a little too big for his britches.



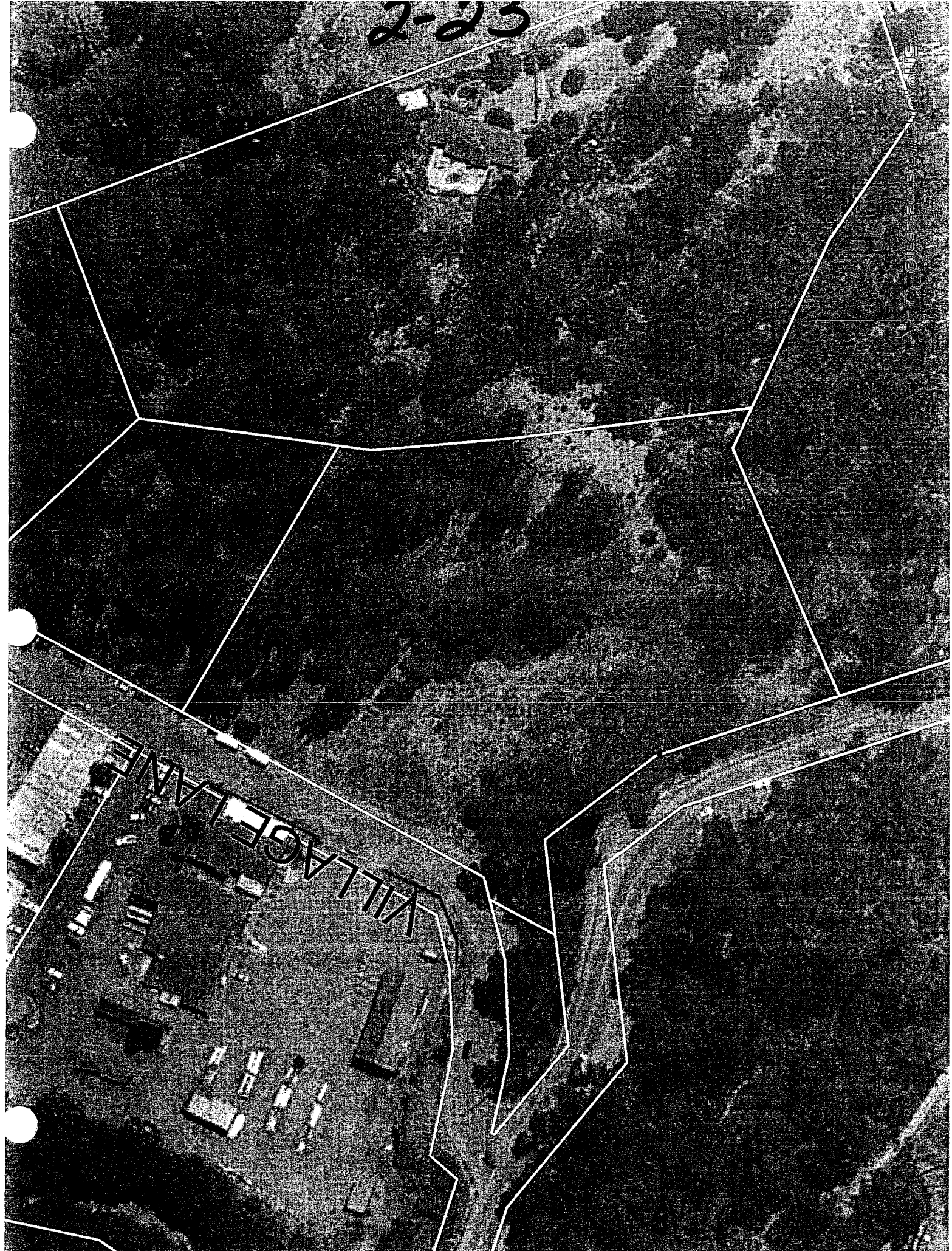
← "Monte"

A 20 year old Arab gelding. A very good horse in every way.

2-23

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VILLAGE LANE





San Luis Obispo County Department of Planning and Building

County Government Center

San Luis Obispo, California 93408

Telephone: (805) 781-5600

Receipt #: 222004000000000000865

Date: 04/28/2005

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
	APPEAL		Appeal to Board of Supervisors Fee -	0000-0000- - -	578.00
Line Item Total:					\$578.00

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Check	SALLY L. S. DIMAGGIO		1002		In Person	578.00
Payment Total:						\$578.00
Balance						

Please don't schedule the Appeal Date during these times:

June 14 - July 2

July 9 - 15

July 18 - Aug 3

2-24